



City of Dublin

**Office of the City Manager**

5200 Emerald Parkway • Dublin, OH 43017-1090  
Phone: 614-410-4400 • Fax: 614-410-4490

# Memo

**To:** Members of Dublin City Council

**From:** Marsha I. Grigsby, City Manager 

**Date:** August 8, 2013

**Initiated By:** Sara Ott, Sr. Project Manager

**Re:** Ordinance 69-13 – Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire 0.106 Acres, More or Less, Fee Simple Interest that is Present Road Occupied Property; 0.041 Acres, More or Less, Permanent Multi-Use, Utility, Grading, and Drainage Easement; and a 0.023 Acres, More or Less, Temporary Easement, from Michael C. Christman, and Declaring an Emergency

## Background

The City of Dublin ("City") is preparing to construct a shared use path on the southern side of Brand Road between Muirfield Drive and Earlington Parkway (the "Project"). It is anticipated that construction will begin in Fall 2013. The City must obtain property interests from various landowners located within the City in order to construct this project.

One of the landowners that the City must obtain property interests from for the construction of the Project is Michael C. Christman (the "Grantor"). After engaging in amicable negotiations, the City has come to an agreement with the Grantor to acquire these necessary property interests, pursuant to the terms outlined in this memorandum.

## Acquisition

The City will acquire from the Grantor only those property interests necessary for the construction of the Project as depicted in the legal descriptions and maps attached to this memorandum. The City will acquire these property interests for 7.5% above appraised value.\* The acquisition is detailed below:

<i>Property Interest Acquiring</i>	<i>PROPOSED ACRES</i>	<i>NEGOTIATED COSTS</i>
Present Road Occupied (P.R.O.)	0.106	\$1
Permanent Multi-Use, Utility, Grading and Drainage Easement	0.041	\$2,799
Temporary Construction and Grading Easements	0.023	\$250
Vegetation/Natural Growth Being Removed	11 mature trees	\$19,950
Total		\$ 23,000

Landscape Allowance		\$10,000
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\*This proposed agreement includes a landscape allowance of \$10,000. Payment of this allowance is contingent upon proof of expenditure to the satisfaction of the City and is not included in appraised value comparison.

**Recommendation**

Ordinance 69-13 authorizes the City Manager to execute all necessary conveyance documentation to formally acquire the necessary property interests described above. Staff recommends that Council dispense with the public hearing and approve Ordinance 69-13 as an emergency as obtaining the property interests is necessary for the furtherance of this project.

RECORD OF ORDINANCES

69-13

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY CONVEYANCE DOCUMENTATION TO ACQUIRE 0.106 ACRES, MORE OR LESS, FEE SIMPLE INTEREST THAT IS PRESENT ROAD OCCUPIED PROPERTY; 0.041 ACRES, MORE OR LESS, PERMANENT MULTI-USE, UTILITY, GRADING, UTILITY AND DRAINAGE EASEMENT; AND A 0.023 ACRES, MORE OR LESS, TEMPORARY EASEMENT FROM MICHAEL C. CHRISTMAN, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Dublin (the "City") is preparing to construct a multi-use path along Brand Road (the "Project"); and

**WHEREAS**, said project requires that the City obtain certain property interests within Franklin County Parcel No. 273-001440 owned by Michael C. Christman (the "Grantor"), said property interests more fully described in the Exhibits labeled "A" and depicted in the Exhibits labeled "B," all attached hereto; and

**WHEREAS**, the City and the Grantor participated in good faith discussions and have come to mutually agreeable terms for the acquisition of the necessary property interests for the sum of Twenty Three Thousand Dollars (\$23,000) and to reimburse the Grantor up to Ten Thousand Dollars (\$10,000) for landscaping, upon proof of expenditure to the satisfaction of the City; and

**WHEREAS**, the City desires to execute necessary conveyance documentation to complete the transaction between the City and the Grantor.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Dublin, State of Ohio, \_\_\_\_\_ of the elected members concurring that:

**Section 1.** The City Manager is hereby authorized to execute all necessary conveyance documentation to acquire an approximate 0.106 acres, more or less of Present Road Occupied Property; a 0.046 acres, more or less, permanent multi-use, utility, grading and drainage easement; and a 0.007 Temporary Easement from Michael C. Christman for the sum of Twenty Three Thousand Dollars (\$23,000) for said property interests located within Franklin County Parcel No. 273-001440, and as more fully described and depicted in the attached Exhibits "A" and "B" and to reimburse the Grantor up to Ten Thousand Dollars (\$10,000) for landscaping, upon proof of expenditure to the satisfaction of the City.

**Section 2.** This ordinance is declared to be an emergency necessary for the immediate preservation of the public peace, health, safety or welfare, and for the further reason that construction of the Project will begin in Fall 2013. This ordinance shall therefore be effective upon passage.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Mayor - Presiding Officer

ATTEST:

\_\_\_\_\_  
Clerk of Council

**EXHIBIT A**

Page 1 of 1  
CIP 11-022-CIP  
PARCEL 5-WD  
PROJECT BRAND SUP  
Version Date 12/05/12

**PARCEL 5-WD  
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE  
IN THE FOLLOWING DESCRIBED PROPERTY  
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS**

Situated in the State of Ohio, County of Franklin, City of Dublin, located in Virginia Military Survey Number 2544, being a part of a 1.000 acre tract in the name of Michael C. Christman, as recorded in Instrument No. 200405110107952, all records are referenced to the Franklin County Recorder's Office, and being more particularly described as follows:

Beginning, for reference, at a railroad spike (found) at the centerline intersection of Ashbaugh Road and Brand Road;

Thence, North 79°22'57" West, a distance of 305.60 feet, along the centerline of Brand Road, to a magnail (set) at the northwesterly corner of a 1.385 acre tract in the name of Sumphan & Tanaporn Karuchit, as recorded in Instrument No. 200507120137134, said corner also being the **True Place of Beginning** for the parcel herein described:

Thence, South 03°10'57" East, a distance of 30.89 feet, along the westerly line of said 1.385 acre tract, to an iron pipe (set) on the southerly existing highway easement for Brand Road;

Thence, North 79°22'57" West, a distance of 154.00 feet, leaving said westerly line and running across said 1.000 acre tract, being parallel with and 30.00 feet perpendicular to the existing centerline of Brand Road, to an iron pipe (set) on the easterly line of a 1.545 acre tract in the name of Angela Haley, T.O.D., as recorded in Deed Book 1975, Page 614 and also Instrument No. 200811280171587(T.O.D.);

Thence, North 03°10'57" West, a distance of 30.89 feet, along the easterly line of said 1.545 acre tract, to a magnail (set) in the centerline of Brand Road at the northeasterly corner of said 1.545 acre tract;

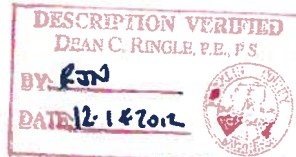
Thence, South 79°22'57 East, a distance of 154.00 feet, along the centerline of Brand Road to the **True Place of Beginning**, containing 0.106 acres more or less, of which 0.106 acres is in the Present Roadway Occupied (P.R.O.).

Iron Pipes set are 3/4 inch inside diameter iron pipes, 30 inches long, with a yellow cap stamped "W.E. STILSON".

The bearings for this description are based on the bearing between Franklin County Engineer's stations "MCNEAL" and "FCGS 6648" being South 15°07'52" East, as measured using GPS methods and the Ohio State Plane Coordinate System, South Zone, NAD 83 (1986 Adjustment).

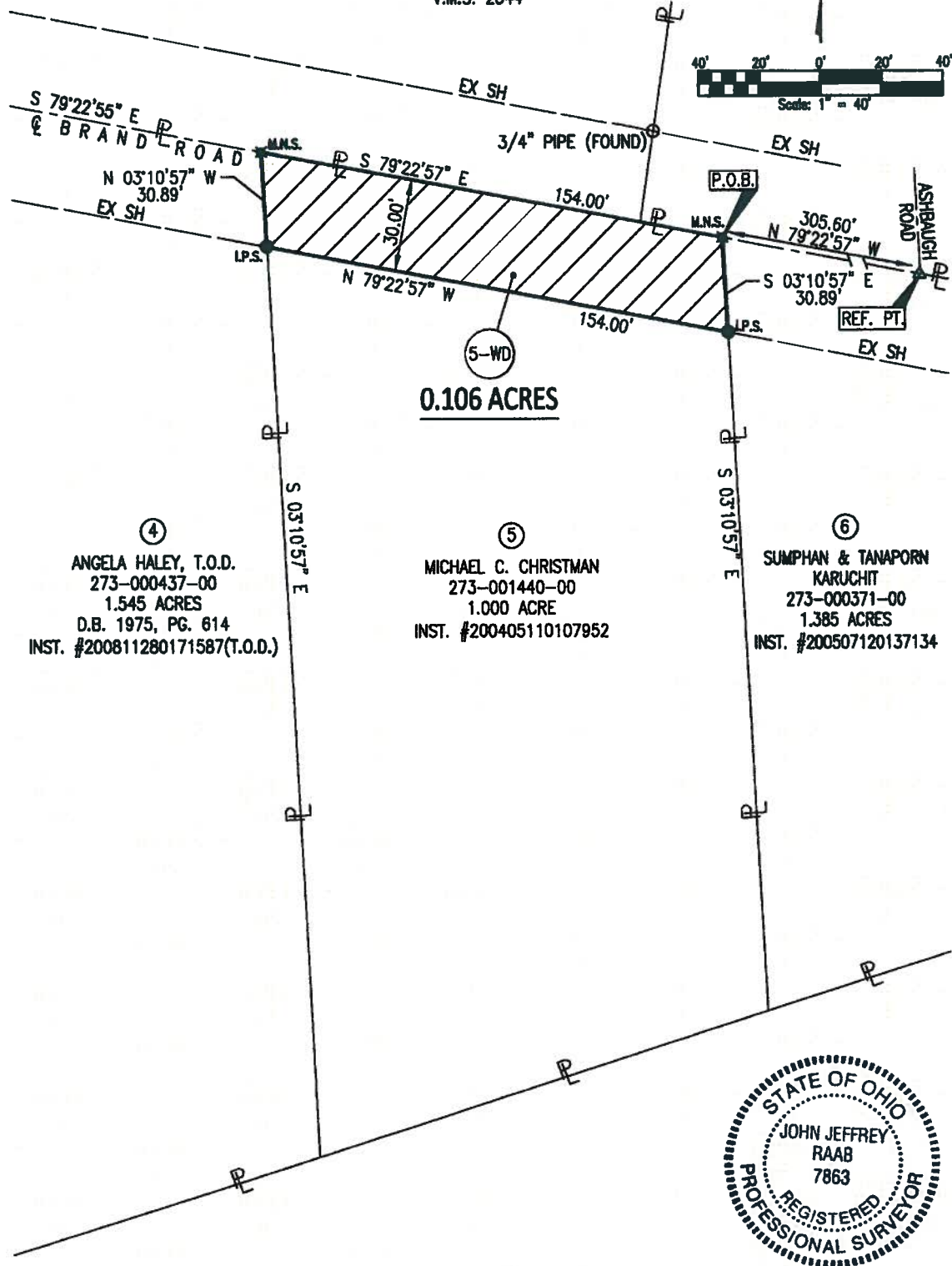
I hereby certify this description was written by using measurements obtained by an actual field survey conducted under my direct supervision.

  
John Jeffrey Raab, Ohio Registered Surveyor No 7863 Date 12/10/12  
Prepared by: W.E. Stilson Consulting Group, LLC.  
Job No.: 111013.00  
(Auditor's Parcel No. 273-001440-00)



0-107-E  
SPLIT  
0.106 AC  
OUT OF  
(273)  
001440

**EXHIBIT B**  
**PARCEL 5-WD**  
**BRAND ROAD SHARED-USE PATH**  
 CITY OF DUBLIN, FRANKLIN COUNTY, OHIO  
 V.M.S. 2544



Pride in the Details. Passion in our People.  
 355 E. CAMPUS VIEW BLVD  
 COLUMBUS, OH 43235  
 (614) 847-4670

*John Jeffrey Raab* 12/20/12  
 JOHN JEFFREY RAAB, P.S. 7863 DATE

**LEGEND:**

- △ RAILROAD SPIKE FOUND
- IRON MONUMENT FOUND
- I.P.S. 3/4" I.D. PIPE SET W/CAP STAMPED "W.E. STILSON"
- M.N.S. MAGNAIL SET

**BASIS OF BEARINGS:**

THE BEARINGS FOR THIS SURVEY ARE BASED ON THE BEARING BETWEEN FRANKLIN COUNTY ENGINEER'S STATIONS "MCNEAL" AND "FCGS 8648" BEING S 15°07'52" E, AS MEASURED USING GPS METHODS AND THE OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 83 (1986 ADJUSTMENT).

**EXHIBIT A**

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11-022-CIP  
5-P  
CIP  
PARCEL  
PROJECT BRAND SUP  
Version Date 01/17/13

**PARCEL 5-P  
DESCRIPTION OF A PERMANENT EASEMENT  
FOR A SHARED-USE PATH, UTILITIES, DRAINAGE AND GRADING**

Situated in the State of Ohio, County of Franklin, City of Dublin, located in Virginia Military Survey Number 2544, being a part of a 1.000 acre tract in the name of Michael C. Christman, as recorded in Instrument No. 200405110107952, all records are referenced to the Franklin County Recorder's Office, and being more particularly described as follows:

Beginning, for reference, at the northwesterly corner of said 1.000 acre tract, said corner being on the centerline of Brand Road, and also being the northeasterly corner of a 1.545 acre tract in the name of Angela Haley, T.O.D., as recorded in Deed Volume 1975, Page 614 and also Instrument No. 200811280171587(T.O.D.);

Thence, South 03°10'57" East, a distance of 30.89 feet, with the easterly line of said 1.545 acre tract, to a point on the southerly existing highway easement for Brand Road, said point also being the **True Place of Beginning** for the easement herein described:

Thence, South 79°22'57" East, a distance of 154.00 feet, parallel with and 30.00 feet southerly from said centerline, leaving said property line with said southerly existing highway easement, to a point on the westerly line of a 1.385 acre tract in the name of Sumphan & Tanaporn Karuchit, as recorded in Instrument No. 200507120137134;

Thence, South 03°10'57" East, a distance of 14.42 feet, leaving said southerly existing highway easement, with the westerly line of said 1.385 acre tract, to a point;

Thence, leaving said property line and running across said 1.000 acre tract, for the following three (3) calls:

- 1.) Thence, North 77°10'21" West, a distance of 145.14 feet, to a point;
- 2.) Thence, South 12°49'39" West, a distance of 8.00 feet, to a point;
- 3.) Thence, North 77°10'21" West, a distance of 8.16 feet, to a point on the easterly line of said 1.545 acre tract;

Thence, North 03°10'57" West, a distance of 16.56 feet, with said line, to the **True Place of Beginning**, containing 0.041 acres more or less.

The bearings for this description are based on the bearing between Franklin County Engineer's stations "MCNEAL" and "FCGS 6648" being South 15°07'52" East, as measured using GPS methods and the Ohio State Plane Coordinate System, South Zone, NAD 83 (1986 Adjustment).

I hereby certify this description was written by using measurements obtained by an actual field survey conducted under my direct supervision.

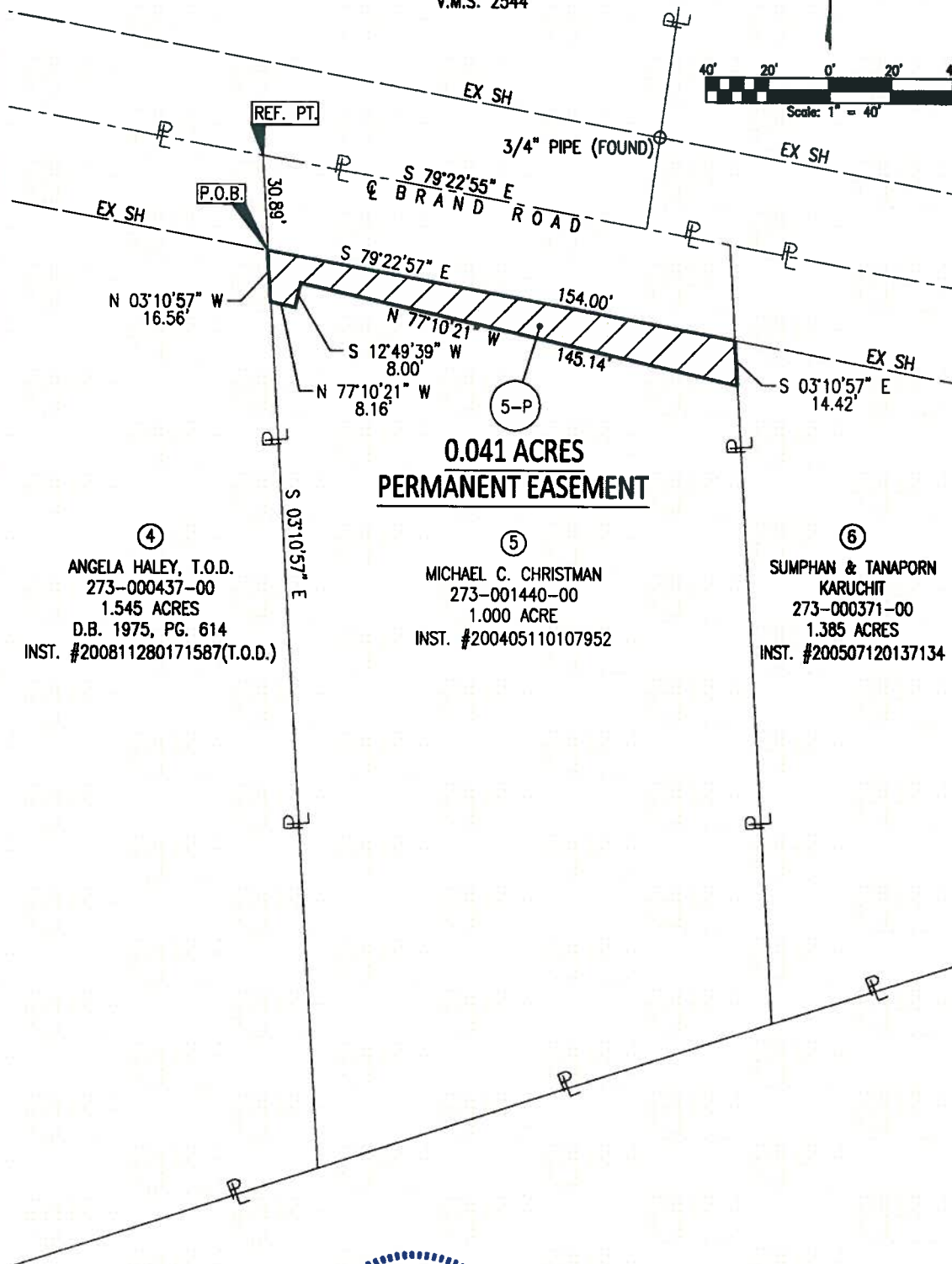
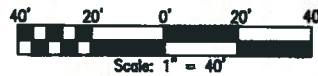
  
John Jeffrey Raab, Ohio Registered Surveyor No 7863  
Prepared by: W.E. Stilson Consulting Group, LLC.  
Job No.: 111013.00  
(Auditor's Parcel No. 273-001440-00)

Date





**EXHIBIT B**  
**PARCEL 5-P**  
**BRAND ROAD SHARED-USE PATH**  
 CITY OF DUBLIN, FRANKLIN COUNTY, OHIO  
 V.M.S. 2544



**W.E. STILSON**  
 CONSULTING GROUP

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 355 E. CAMPUS VIEW BLVD  
 COLUMBUS, OH 43235  
 (614) 847-4670



JOHN JEFFREY RAAB, P.S. 7863

DATE

**LEGEND:**

○ IRON MONUMENT FOUND

**BASIS OF BEARINGS:**

THE BEARINGS FOR THIS SURVEY ARE BASED ON THE BEARING BETWEEN FRANKLIN COUNTY ENGINEER'S STATIONS "MCNEAL" AND "FCGS 6648" BEING S 15°07'52" E, AS MEASURED USING GPS METHODS AND THE OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 83 (1986 ADJUSTMENT).

**EXHIBIT A**

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11-022-CIP  
5-T  
BRAND SUP  
11/20/12  
CIP  
PARCEL  
PROJECT  
Version Date

**PARCEL 5-T  
DESCRIPTION OF A TEMPORARY EASEMENT  
FOR GRADING AND DRIVE CONSTRUCTION**

Situated in the State of Ohio, County of Franklin, City of Dublin, located in Virginia Military Survey Number 2544, being a part of a 1.000 acre tract in the name of Michael C. Christman, as recorded in Instrument No. 200405110107952, all records are referenced to the Franklin County Recorder's Office, and being more particularly described as follows:

Beginning, for reference, at the northwesterly corner of said 1.000 acre tract, said corner being on the centerline of Brand Road, and also being the northeasterly corner of a 1.545 acre tract in the name of Angela Haley, T.O.D., as recorded in Deed Volume 1975, Page 614 and also Instrument No. 200811280171587(T.O.D.);

Thence, South 03°10'57" East, a distance of 47.45 feet, with the westerly line of said 1.000 acre tract, to a point, said point being the **True Place of Beginning** for the easement herein described:

Thence, leaving said line and running across said 1.000 acre tract, for the following three (3) calls:

- 1.) Thence, South 77°10'21" East, a distance of 8.16 feet, to a point;
- 2.) Thence, North 12°49'39" East, a distance of 8.00 feet, to a point;
- 3.) Thence, South 77°10'21" East, a distance of 145.14 feet, to a point on the westerly line of a 1.385 acre tract in the name of Sumphan & Tanaporn Karuchit, as recorded in Instrument No. 200507120137134;

Thence, South 03°10'57" East, a distance of 5.20 feet, with said line, to a point;

Thence, leaving said line and running across said 1.000 acre tract, for the following three (3) calls:

- 1.) Thence, North 77°10'21" West, a distance of 122.72 feet, to a point;
- 2.) Thence, South 12°49'39" West, a distance of 10.00 feet, to a point;
- 3.) Thence, North 77°23'40" West, a distance of 29.97 feet, to the easterly line of said 1.545 acre tract;

Thence, North 03°10'57" West, a distance of 7.40 feet, with said line, to the **True Place of Beginning**, containing 0.023 acres more or less.

The bearings for this description are based on the bearing between Franklin County Engineer's stations "MCNEAL" and "FCGS 6648" being South 15°07'52" East, as measured using GPS methods and the Ohio State Plane Coordinate System, South Zone, NAD 83 (1986 Adjustment).

I hereby certify this description was written by using measurements obtained by an actual field survey conducted under my direct supervision.

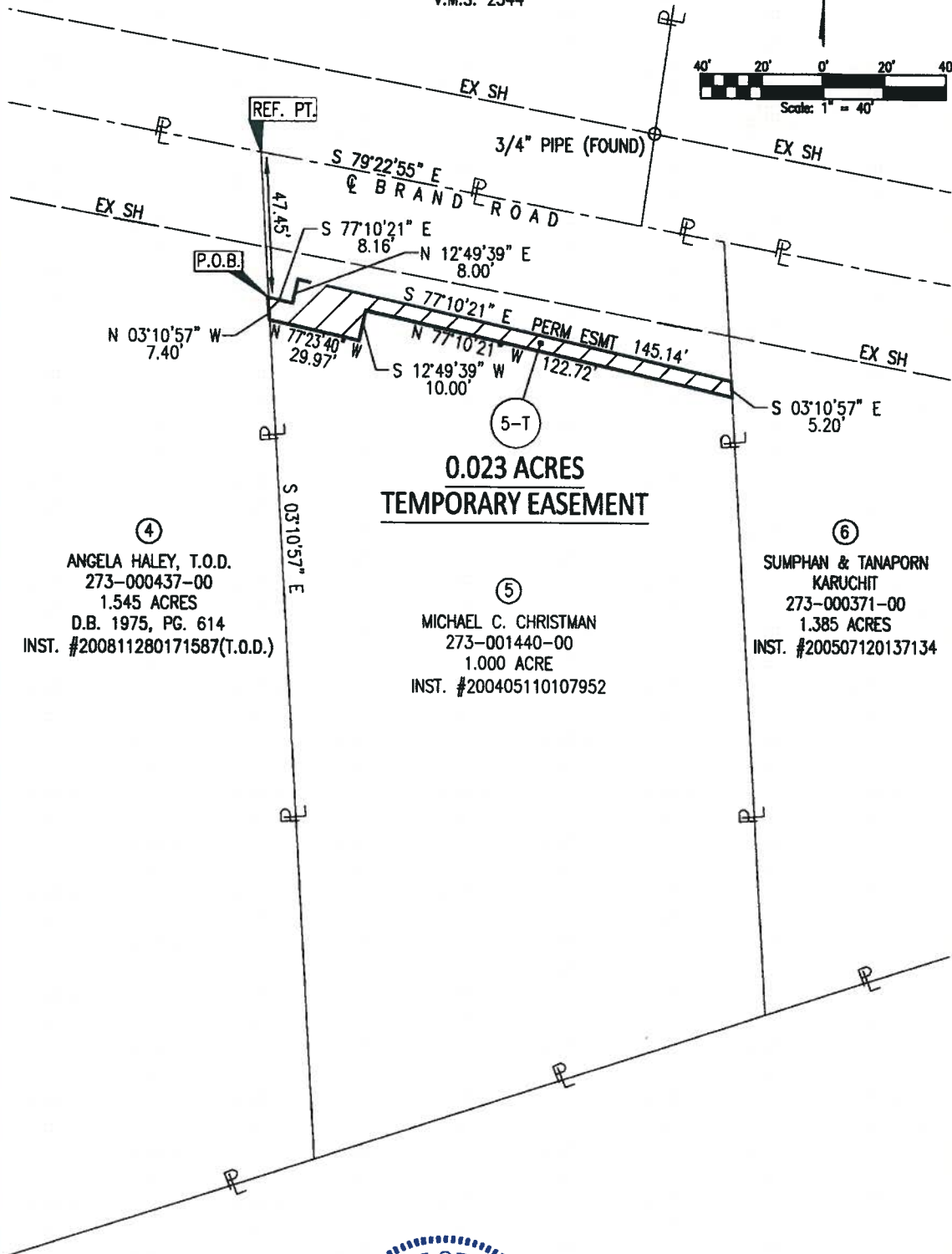
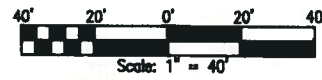
  
John Jeffrey Raab, Ohio Registered Surveyor No 7863  
Prepared by: W.E. Stilson Consulting Group, LLC.  
Job No.: 111013.00  
(Auditor's Parcel No. 273-001440-00)

11/20/12  
Date





**EXHIBIT B**  
**PARCEL 5-T**  
**BRAND ROAD SHARED-USE PATH**  
 CITY OF DUBLIN, FRANKLIN COUNTY, OHIO  
 V.M.S. 2544



④  
 ANGELA HALEY, T.O.D.  
 273-000437-00  
 1.545 ACRES  
 D.B. 1975, PG. 614  
 INST. #200811280171587(T.O.D.)

⑤  
 MICHAEL C. CHRISTMAN  
 273-001440-00  
 1.000 ACRE  
 INST. #200405110107952

⑥  
 SUMPHAN & TANAPORN  
 KARUCHIT  
 273-000371-00  
 1.385 ACRES  
 INST. #200507120137134



**W.E. STILSON**  
 CONSULTING GROUP

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*John Jeffrey Raab* 11/20/12  
 JOHN JEFFREY RAAB, P.S. 7863 DATE



**LEGEND:**

○ IRON MONUMENT FOUND

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